

Application No. 10/757,779
Amendment dated February 28, 2006
Reply to Office Action of November 29, 2005

REMARKS

A restriction was declared as between claims 1-22 and 25-28 (Group I) and claims 23 and 24 (Group 2). Claims 5, 10, 21, and 22 were objected to for informalities. Claims 1 and 11 were rejected under 35 U.S.C. 112, 2nd paragraph. Claims 1, 11-17, 19, 25, and 26 were rejected under 35 U.S.C. 103(a) given Annis (U.S. Patent No. 5,493,596) ("Annis"). Claims 2-10, 27, and 28 were objected to as depending upon rejected base claims but were otherwise found to contain allowable subject matter. The applicant thanks the Examiner for this indication of allowable subject matter and otherwise traverses the objections and rejections specified and respectfully requests reconsideration.

A restriction was declared as between claims 1-22 and 25-28 (Group I) and claims 23 and 24 (Group 2). The applicant accepts this restriction without traversal. Claims 23 and 24 have been cancelled and are no longer presented for consideration.

Claims 5, 10, 21, and 22 were objected to for informalities. By this amendment, the applicant has corrected the dependencies of claims 5 and 10, corrected the typographical error "source" as appeared in claim 5, and has canceled claim 22. The applicant thanks the Examiner for bringing these informalities to the attention of the applicant to facilitate their correction.

Claims 1 and 11 were rejected under 35 U.S.C. 112, 2nd paragraph.

As to claim 1, the Examiner argues that it is vague and indefinite to refer to a first collimator that is "in addition to any other collimator that may be integral to the X-ray source" and asks, "Is there another collimator or not?" With all due respect, the applicant submits that the language in question is not unduly vague and indefinite. The specific language in question reads:

[A] first collimator in addition to any other collimator that may be integral to the X-ray source, disposed between the X-ray source and the scanning zone and being located proximate the X-ray source

This language simply acknowledges that a given X-ray source may have an integral collimator or it may not. If such an integral collimator is present, then the recited first collimator is in addition to the integral collimator. And, when no such integral collimator is provided with the X-ray source, then this claim still provides for a

Application No. 10/757,779
Amendment dated February 28, 2006
Reply to Office Action of November 29, 2005

first collimator. This language is a relatively clear and straightforward way to indicate that the "first collimator" exists apart from any collimator or collimators that the X-ray source may itself contain or provide.


With all due respect, this is hardly vague or indefinite; instead, it seems quite clear. While the noted language does, of course provide some degree of breadth (wherein the Examiner is free to search for prior art that presents teachings with respect to collimatorless X-ray sources as well as X-ray sources that feature an integral collimator), such breadth does not represent undue vagueness. With all due respect the applicant submits that claim 1 meets the limited requirements of 35 U.S.C. 112, 2nd paragraph and is in suitable condition to support examination and allowance.

As to claim 11, the Examiner argues that there exists unclarity with respect to whether the "source collimator" is the same as the "first collimator" of claim 1. The applicant has amended claim 11 to read as follows:

The X-ray apparatus as in claim 1 wherein the first collimator comprises a source collimator that is disposed adjacent but not integral to the X-ray source.
The applicant respectfully submits that claim 11, as amended, is now suitably clear and fully compliant with the limited requirements of 35 U.S.C. 112, 2nd paragraph.

These amendments are offered subsequent to a Final Rejection. As these amendments are directed to curing matters of form and will place the claims in better condition for appeal, the applicant respectfully requests entry of these amendments.

Respectfully submitted,

By: 
Steven G. Parmelee
Registration No. 28,790

Date: February 28, 2006

FITCH, EVEN, TABIN & FLANNERY
Suite 1600
120 South LaSalle
Chicago, Illinois 60603-3406
Telephone: (312) 577-7000
Facsimile: (312) 577-7007